

James Benny Jackson v. Oil-Dri Corporation of America, et al.

Melinda Quinn, FNP-NC

August 2, 2017



Mississippi - Louisiana - Tennessee - New York
www.brookscourtreporting.com

EXHIBIT

B

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1 A. Third.

2 Q. -- third sinus infection.

3 A. I do. He was also treated with an IM
4 injection of antibiotic and steroid.

5 Q. And the antibiotic, was that Rocephin?

6 A. It was.

7 Q. And what was the steroid shot?

8 A. Decadron.

9 Q. Okay. And the next visit?

10 A. He came in in October of 2014 for lab
11 work, but didn't come in to be seen again as a
12 patient until January the 5th, 2015.

13 Q. Okay. And what was the reason for his
14 visit on January the 5th, 2015?

15 A. Cough and congestion for three days.

16 Q. Okay. And what your diagnosis?

17 A. Acute sinusitis.

18 Q. And what was your course of treatment?

19 A. He received another Rocephin and
20 Decadron injection and Z-Pak along with Nasacort
21 nasal spray.

22 Q. And do you know whether Mr. Jackson was
23 compliant with his usage of the Nasacort?

24 A. I do not.

25 Q. And what was his next visit?

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1 A. He came back on April the 1st, 2015.

2 Q. And what were his complaints?

3 A. Cough and congestion for three months
4 with fever.

5 Q. So if he's saying the for three months,
6 and the last time you saw him was January for the
7 same complaints, would -- would you consider this
8 to be an ongoing problem?

9 A. Yes.

10 Q. Okay. If you'll look down in the
11 general examination section --

12 A. Uh-huh.

13 Q. -- of your notes, it says, lungs, normal
14 and -- and clear to -- I can't pronounce that
15 word. Can you --

16 A. Auscultation.

17 Q. And what does that mean?

18 A. Just means listening with a stethoscope
19 to all lobes of the lung.

20 Q. Okay. But without chest congestion --

21 A. But with complaint of.

22 Q. Oh, I'm sorry.

23 A. I'm sorry.

24 Q. With complaint of chest congestion for
25 three months, intermittent fever, worked at Blue

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1 Mountain Production and has worked with chemicals
2 used to make cat litter for 15 years. Chest x-ray
3 from yesterday was suggestive of COPD. Dad died
4 at 71 with lung cancer.

5 A. Right.

6 Q. Do you -- do you recall anything about
7 this visit?

8 A. Yes.

9 Q. All right. Tell me what you recall.

10 A. Let me see. Did I order the chest
11 x-ray? I'm looking back to see if I did that.
12 Yes. He had called the day previously --

13 Q. Uh-huh.

14 A. -- March the 31st and asked for the
15 chest x-ray.

16 Q. He asked for the chest x-ray?

17 A. Yeah, he called in and wanted a chest
18 x-ray. Can't get rid of this cold is what he
19 said.

20 Q. Okay.

21 A. So we ordered a chest x-ray and sent it
22 to Tippah County Hospital to be done.

23 Q. Okay.

24 A. So he came in the following day, the 1st
25 of April, to discuss the results. Mainly

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1 complained of congestion and cough. He asked for
2 a referral at that time because of the chest
3 x-ray. But he knew who he wanted to go see, which
4 was Dr. Wilons.

5 Q. Okay.

6 A. Which this is typical for Mr. Jackson.
7 If he wants to see someone, he knows who it is and
8 comes and asks for the referral.

9 Q. Okay. So he called you and asked for
10 the lung x-ray?

11 A. Correct.

12 Q. You sent him to the hospital. Your
13 notes say that chest x-ray yesterday was
14 suggestive of COPD?

15 A. Correct.

16 Q. Who made that determination?

17 A. The radiologist.

18 Q. Okay. And you say that Mr. Jackson
19 asked you to refer him to Dr. Wilons?

20 A. Correct.

21 Q. Did he say why he wanted the referral to
22 Dr. Wilons?

23 A. Because of the possibility of his COPD.
24 Dr. Wilons is a pulmonary disease specialist.

25 Q. Okay. On this April 1st visit, did you

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1 time you saw him?

2 A. He came in May the 4th for me to change
3 a dressing on his arm.

4 Q. Okay. Do you know -- I'm going to take
5 a pause from your visits, because it appears from
6 your records that you didn't see him for anything
7 related to cough or congestion for a period of
8 time. All right. So do you know whether Mr.
9 Jackson went to Dr. Wilons?

10 A. Personally, I know that he did just from
11 conversations with him.

12 Q. Okay. Did Dr. Wilons ever send you any
13 sort of documentation of the visits?

14 A. I can look back here and see. I have a
15 note from him from July, dated July 21st of 2015.

16 Q. And what does that say, because I don't
17 believe it's in the records that your office
18 produced?

19 A. He actually wrote the letter to
20 Mr. Jackson.

21 Q. Uh-huh.

22 A. And it says, Dear Mr. Jackson, the
23 protracted course of respiratory problems from
24 December through May has completely cleared while
25 away from the work environment. Your last

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1 pulmonary function test, 7/15/2015, was
2 essentially back to normal. Now we will likely be
3 able to reduce and possibly stop the respiratory
4 medication.

5 Q. Okay. And so you were copied on that
6 document?

7 A. Uh-huh.

8 Q. All right. Did you ever recommend that
9 Mr. Jackson be -- take family medical leave or
10 otherwise take a leave of absence from his job?

11 A. No, I don't think so.

12 Q. Do you know whether Dr. Wilons suggested
13 that he be removed from work for a period of time?

14 A. This is all I have from Dr. Wilons.

15 Q. Okay. All right.

16 A. I mean, there's more consult note in
17 here, it looks like, from him from October of
18 2015.

19 Q. Okay. Can you pull that up?

20 A. (Complying.)

21 Q. And this is from?

22 A. Dr. Wilons regarding James Benny
23 Jackson. To whom it may concern, it is my medical
24 opinion that James Jackson should remain off work.
25 He is being treated for a persistent

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1 look at the dates of the visits afterwards to see
2 if he -- if he told me during those visits.

3 Q. Okay. But you don't have a professional
4 opinion?

5 A. That he was released at a certain time,
6 no.

7 Q. Okay. If you'll look -- let me find the
8 paper. Your designation states that -- where is
9 it -- scratch that.

10 Are you familiar with the Americans with
11 Disabilities Act?

12 A. Yes.

13 Q. And what is your understanding of that?

14 A. That as far as patients with
15 disabilities have the right to apply and receive
16 benefits based on their disabilities.

17 Q. Okay. Are you familiar with what is
18 known as major life activities with regard to the
19 ADA?

20 A. Being able to take care of themselves.

21 Q. That's one of them, yes. So if I go
22 through a list of the major life activities, can
23 you offer an opinion as to whether Mr. Jackson
24 is sub- -- was substantially limited in July of
25 2015 in any of these activities?

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1 A. Yes, I will try my best.

2 Q. All right. And I want it based on, you
3 know, your professional opinion, not what he told
4 you somebody else said --

5 A. Right.

6 Q. -- you know, that sort of thing. Just
7 what is your opinion?

8 All right. So I'm just going to go
9 through them one by one and the question will be
10 the same.

11 A. Okay.

12 Q. Do you believe that Mr. Jackson was
13 substantially limited in his ability, in
14 July 2015, with regard to these activities. So
15 caring for himself?

16 A. No.

17 Q. Performing manual tasks?

18 A. No.

19 Q. Seeing?

20 A. No.

21 Q. Hearing?

22 A. No.

23 Q. Eating?

24 A. No.

25 Q. Sleeping?

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1	A.	No.
2	Q.	Walking?
3	A.	No.
4	Q.	Standing?
5	A.	No.
6	Q.	Sitting?
7	A.	No.
8	Q.	Reaching?
9	A.	No.
10	Q.	Lifting?
11	A.	No.
12	Q.	Bending?
13	A.	No.
14	Q.	Speaking?
15	A.	No.
16	Q.	Breathing?
17	A.	No.
18	Q.	Learning?
19	A.	No.
20	Q.	Reading?
21	A.	No.
22	Q.	Concentrating?
23	A.	No.
24	Q.	Thinking?
25	A.	No.

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1 Q. Communicating?

2 A. No.

3 Q. Interacting with others?

4 A. No.

5 Q. Or do you believe that he had an
6 impairment that affected his neurological system?

7 A. No.

8 Q. Musculoskeletal system?

9 A. No.

10 Q. His sensory organs?

11 A. No.

12 Q. Lymphatic system?

13 A. Not to my knowledge.

14 Q. Cardiovascular system?

15 A. I believe he is on medication for
16 hypertension, but, no.

17 Q. His respiratory system?

18 A. No.

19 Q. His reproductive system?

20 A. No.

21 Q. His digestive system?

22 A. No.

23 Q. His skin?

24 A. No.

25 Q. Immune system?

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1 A. No.

2 Q. Genitourinary system?

3 A. No.

4 Q. Circulatory system?

5 A. No.

6 Q. Hemic system? Did I say that correctly?

7 A. (Nonverbal response.)

8 Q. H-e-m-i-c, it's listed in the
9 regulations, just going through them.

10 A. I'm assuming that means blood, no.

11 Q. Okay. And endocrine?

12 A. No.

13 Q. Okay. Since July of 2015, when have you
14 treated Mr. Jackson?

15 A. He came in in September of 2015.

16 Q. And what was the purpose for that visit?

17 A. He had driven a tractor into a fence and
18 had a wound on his arm.

19 Q. Okay. And the next visit?

20 A. This system is being cranky. He had a
21 reaction, apparently, to the wrap on his arm, the
22 injury.

23 Q. Okay. And his next visit?

24 A. Would have been February of 2016. Came
25 in wanting an annual physical and lab, wants to

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1 A. Correct. It does -- I mean, it does
2 affect his respiratory system, but not to the
3 point that he is not able to function normally.

4 MS. CANNADY: Okay. Thank you for that
5 clarification.

6 EXAMINATION

7 BY MR. WOODRUFF:

8 Q. A quick followup.

9 Isn't it true that he was taken off work
10 for a period of time because of this respiratory
11 issue?

12 A. It -- from my notes, it appears that he
13 was.

14 Q. Okay. But wouldn't that -- and, of
15 course, work is one of the criteria and the
16 indications that would qualify a disability
17 specifically to work, and wouldn't you agree that
18 for a period of time he was unable to work because
19 of respiratory issues?

20 A. From what I read on Dr. Wilons' report,
21 it was to remove him from the environment and the
22 allergens at that time. So to what point it
23 affected his breathing, I can't say. I'm not a --
24 I'm not a respiratory specialist, but Dr. Wilons
25 felt that he needed to be away from work. So,